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May 6, 2021

BY ECF

Honorable Steven Tiscione
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Surriel v. PANYNJ, et al.*, 19 CV 3867 (PKC) (ST)

Your Honor:

I represent plaintiff in the above-referenced matter. I write pursuant to Fed. R. Civ. P. 37(b)(2)(A) to respectfully request relief in connection with defendants' failure to comply with the Court's order dated April 20, 2021 and filed at DE #55.

The April 20th order required the parties to, *inter alia*, "produce authorizations for cellular phone records as requested along with any relevant text messages." In accordance with the order, plaintiff has produced an executed authorization. Defendants, however, have failed to provide any authorizations and have recently taken the position that they will only provide authorizations for their work-issued cellular phones, even though these defendants, who are friends off the job, admittedly also had personal cellular phones on the date in question and have previously exchanged text messages. Plaintiff respectfully notes that the underlying requests, which the April 20th order references and which date to the initial conference, seek all relevant communication records.

Thus, and in accordance with Rule 37(b)(2)(A) of the Federal Rules of Civil Procedure, plaintiff respectfully requests that the Court order defendants Samuel and Telesford to comply with the April 20th order and produce authorizations for each of their cellular phones by a date certain, and such other relief as the Court deems just and proper.

Thank you for your consideration of this request.

Respectfully submitted,


Gabriel P. Harvis

cc: Defense Counsel